

**APPROVED 7-18-13
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, June 20, 2013 at the Mildred A. Wakeley Community and Recreation Center in Room #2 at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Caren M. Genovese, Vice Chairman
Donald F. Clark, Secretary
Joseph P. Villano
Joel I. Rudikoff
William D. O'Hare, Alternate
Michelle L. Bonora, Alternate

MEMBERS ABSENT:

Jacob M. Piekarski, Alternate

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Arthur M. Hausman, Zoning Enforcement Officer

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Sandra Lion, Clerk

AGENDA:

Mr. Hannon, Chairman, opened the meeting at 7:30 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. He explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur. Mr. Hannon stated that application #13-09, 70 Old Broadway West, is postponed to the July 18, 2013 meeting.

PUBLIC HEARINGS:

Mr. Clark read the call for the first Public Hearing.

1. #13-08 Continuation of the application of Signs And Wonders, Applicant, Lexmar Realty LLC, Owner, relative to 12 Montowese Avenue, (Map 16, Lot 73), per Section 8.8.7.2, requesting a sign area variance of 54.4 square feet to permit a sign area of 74.4 square feet where a maximum of 20 square feet is permitted. IL-30 Zoning District.

Attorney Carter Mario, owner, continued presenting the application for a variance of 18 square feet to allow for the installation of a 6 x 9 feet sign. The Board asked questions and Attorney Mario, Mr. Bob Scofield, Property Manager, and Mr. Alan Fredricksen, Land Use Administrator, responded. Mr. Dan Rubelmann of Signs and Wonders also responded to questions from the Board.

Mr. Hannon asked for public comment.

Public comment:

1. Julius Ardito, 25 Eaton Street, asked what time the sign's lighting will be turned off.

There being no further public comment, the Public Hearing was closed.

2. #13-09 Application of William Mezzano, Applicant, BAM Properties, Owner, relative to 70 Old Broadway West, (Map 66, Lot 15), per Section 5.1 requesting a use variance to permit a gymnasium/fitness center in an IL-30 Zoning District.

This application has been postponed to the July 18, 2013 meeting.

Mr. Clark read the call for the second Public Hearing.

3. #13-10 Application of Raymond and Margaret Esterheld, Owners and Applicants, relative to 2 Roberta Road, (Map 74, Lot 239), per Section 8.6.2.1, requesting a fence height variance of 1' to permit a 4' high fence in a front yard where 3' is permitted. R-20 Zoning District.

Mr. Raymond Esterheld, owner, presented the application to permit a 4' high fence in a front yard where 3' is permitted. They asked to keep the fence in order to provide a safe play area for their daughter and dogs. He also stated that the fence serves as a safe guard from Blakeslee Avenue. The Board asked questions and Mr. Esterheld responded. Then Mr. Esterheld read a letter from Mr. John A. Ficocelli, 68 Blakeslee Avenue, in favor of the application, Exhibit A.

Mr. Hannon asked for public comment.

Public comment:

1. Cecelia O'Brien, 73 Blakeslee Avenue, a 52 year resident of North Haven spoke in favor of the application.
2. Marybeth O'Brien, 73 Blakeslee Avenue, spoke in favor of the application.
3. Janet Greenlaw, 80 Blakeslee Avenue, spoke in favor of the application. She stated that the fence does not obstruct her view.

There being no further public comment, the Public Hearing was closed.

Mr. Clark read the call for the third Public Hearing.

4. #13-11 Application of Alfred and Lucille Warren, Owners and Applicants, relative to 11 Charles Court, (Map 89, Lot 8), per Section 2.1.1.9, requesting a front yard variance of 3.3' to permit a front yard setback of 46.7' where 50' is required. R-40 Zoning District.

Mr. Alfred Warren, owner and applicant, presented the application requesting a front yard setback of 46.7' where 50' is required to construct a vestibule. He submitted a photograph of the proposed vestibule, Exhibit A and read letters from neighbors in favor of this application, Exhibits B through E. The Board asked questions and Mr. Warren responded.

Mr. Hannon asked for public comment.

Public comment:

1. Michael and Ann Miller, 7 Charles Court, spoke in favor of the application.

There being no further public comment, the Public Hearing was closed.

Mr. Clark read the call for the last Public Hearing.

5. #13-12 Application of Eugene Criscuolo, Owner and Applicant, relative to 245 Montowese Avenue, (Map 18, Lot 72), per Section 8.6.2.1, requesting a fence height variance of 1' to permit a 4' high fence in a front yard where 3' is permitted. R-40 Zoning District.

Attorney Bernard Pellegrino, Jr. of the Pellegrino Law Firm presented the application to permit a 4' high fence in a front yard where 3' is permitted. Attorney Pellegrino stated that this parcel has 3 front yards and an irregular shaped lot. He stated that the applicant is requesting to keep the fence for protection of his property. He also stated that the fence does not cause any sightline issues and is in conformance with the neighborhood. The Board asked questions and Attorney Pellegrino and Eugene Criscuolo, owner, responded.

Mr. Hannon asked for public comment.

Public comment:

1. Joe Fiore, 372 Middletown Avenue, spoke in favor of the fence.

There being no further public comment, the Public Hearing was closed.

DELIBERATION SESSION:

1. #13- 08 Application of Signs And Wonders, Applicant, Lexmar Realty LLC, Owner, relative to 12 Montowese Avenue.

Mr. Villano moved to approve the application for an 18 square feet variance only; Mr. Clark seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Villano – aye O'Hare – aye Bonora – aye

The application was approved.

The Board stated the following:

1. The Board stipulated that lighting for the sign must be turned off no later than 9:00 p.m.
2. The request is reasonable.
3. #13-10 Application of Raymond and Margaret Esterheld, Owners and Applicants, relative to 2 Roberta Road.

Mr. Rudikoff moved to approve the application for a white vinyl picket fence only; Mrs. Genovese seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye Rudikoff – aye

The application was approved.

The Board stated the following:

1. The variance is limited to a white vinyl picket fence only.
2. The application was approved for the health, safety and well being of children and dogs.
3. The hardship is having two front yards.
4. #13-11 Application of Alfred and Lucille Warren, Owners and Applicants, relative to 11 Charles Court.

Mr. Clark moved to approve the application and limit the variance to the work of the proposed vestibule only; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye Rudikoff – aye

The application was approved.

The Board stated the following:

1. The variance is limited to the work of this proposed vestibule addition only.
2. The request is reasonable.
3. Neighbors spoke in favor of the application.
5. #13-12 Application of Eugene Criscuolo, Owner and Applicant, relative to 245 Montowese Avenue.

Mrs. Genovese moved to approve the application for a split rail fence only on two and a half sides of this triangular shaped lot and the remaining fence must be removed or reduced to a conforming height; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye Rudikoff – aye

The application was approved.

The Board stated the following:

1. The hardship is having three front yards.
2. The request is reasonable.

OTHER: None

CEASE AND DESIST ORDERS:

Mr. Arthur Hausman, Zoning Enforcement Officer, outlined current zoning violations with the Board.

-24 Brock Street – Non-permitted use. A Cease & Desist Order was sent on May 24, 2013.

CORRESPONDENCE:

2014 Meeting Dates

Mr. Clark moved to approve the 2014 meeting dates; Mr. Rudikoff seconded the motion. All were in favor.

MINUTES:

May 16, 2013

Mr. Clark moved to approve the minutes of the May 16, 2013 meeting; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Villano – aye O’Hare – aye Bonora - aye

ADJOURN:

There being no further business, Mr. Clark moved to adjourn; Mrs. Genovese seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:31 PM.